

Ronald Britt

12:02:49 2 A. Absolutely not.

12:02:50 3 Q. And did Doreen -- did you ever ask
12:02:52 4 Doreen Alderman for overtime wages?

12:02:54 5 A. No.

12:02:55 6 Q. So, Doreen Alderman never refused to
12:03:00 7 pay you overtime wages; is that correct?

12:03:03 8 A. That would be correct, I suppose.

12:03:05 9 Q. When is the first time that you
12:03:11 10 actually asked anyone - Jay Yablonsky or anybody
12:03:16 11 else - for any sum of money in addition to what
12:03:20 12 you were already receiving?

12:03:23 13 A. I believe it was --

12:03:25 14 Q. -- in your work at 91 East 3rd Street
12:03:27 15 or the other buildings?

12:03:28 16 MR. KOERNER: Let her finish.

12:03:28 17 A. I believe it was when I got a call in
12:03:31 18 the middle of the night to go down to Division
12:03:33 19 Street.

12:03:33 20 Q. When was that?

12:03:34 21 A. I don't recall exactly, but I could
12:03:36 22 look at the repairs and maybe figure that out for
12:03:40 23 you.

12:03:40 24 MR. KOERNER: Approximately? Can
12:03:42 25 you approximate what year?

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12:03:43 2

THE WITNESS: It was early on. It

12:03:45 3

was probably in the first few months of

12:03:47 4

employment.

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Q. And what did you ask for?

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A. "I'm getting called in the middle of

12:03:56 7

the night to go down to Division Street. Do I

12:03:58 8

get paid for that?"

12:03:59 9

Q. And what was said to you?

12:04:00 10

A. He scoffed.

12:04:01 11

Q. Did he say anything to you?

12:04:02 12

A. No; he scoffed.

12:04:04 13

Q. And other than that one time, when is

12:04:07 14

the next time --

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A. I think --

12:04:08 16

Q. -- if there was one, that you asked

12:04:11 17

Mr. Yablonsky for overtime?

12:04:11 18

A. I think it was a few years later;

12:04:13 19

there was another emergency in the night, and I

12:04:17 20

said, "You know, I'm getting out of bed to go

12:04:20 21

over there to take care of this."

12:04:21 22

And he said, "It's part of your job."

12:04:24 23

Q. Now, looking at Exhibit 4, which

12:04:26 24

should also still be in front of you, and would

12:04:38 25

you look at the second page of the exhibit.

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12:04:40 2 A. Yes.

12:04:41 3 Q. Paragraph 15, do you see that?

12:04:44 4 A. Mm-hmm.

12:04:44 5 Q. It says, "In addition to your regular
12:04:47 6 work schedule, you are expected to be available
12:04:49 7 to respond to emergencies at the buildings on a
12:04:52 8 24-hour basis, 7 days a week. You will not be
12:04:56 9 entitled to receive any additional --

10 MR. KOERNER: Okay. Can I --

12:04:57 11 Q. -- compensation for such emergency
12:04:59 12 services."

12:05:00 13 MR. KOERNER: Can I interrupt for
14 one second?

15 MS. GOULD: No, you can't. Let me
16 finish my question.

17 MR. KOERNER: There's no question
18 pending.

12:05:03 19 MS. GOULD: Yes, there is a
12:05:04 20 question pending.

21 MR. KOERNER: No, it's not pending.
22 You were in the middle of a question.

12:05:07 23 MS. GOULD: Sir, you are
12:05:07 24 interrupting my question.

12:05:08 25 MR. KOERNER: Right. And I'm

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asking for a moment.

MS. GOULD: No.

MR. KOERNER: There's no question pending; right?

MS. GOULD: I'm sorry. You're interrupting my question.

MR. KOERNER: Okay. Sorry you feel that way.

Stop writing, and see if there's a question pending. What is the question pending?

MS. GOULD: You cannot --

MR. KOERNER: Stop. What's the question pending?

MS. GOULD: You cannot interrupt a question.

MR. KOERNER: Absolutely.

I'm not -- Of course, I can -- There's no question pending, and I want to speak with my witness.

MS. GOULD: Let's take a five-minute break.

MR. KOERNER: Fine.

(Recess held from 12:05 to 12:06 p.m.)

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CONTINUED EXAMINATION BY MS. GOULD:

Q. Looking at Exhibit 4, which is now in front of you, and now you've had a moment to consult with your client in the middle of -- with your lawyer in the middle of my question; is that correct?

MR. KOERNER: Objection. That's not a -- that's an improper question.

Don't answer it.

Go ahead.

MS. GOULD: The record will speak for itself.

Q. Looking at the second page of Exhibit 4 it says, in Paragraph 15, "In addition to your regular work schedule, you are expected to be available to respond to emergencies at the building on a 24-hour basis, 7 days a week. You will not be entitled to receive any additional compensation for such emergency services, but you may receive compensatory time for any period devoted to such emergency services longer than 30 minutes."

Do you see that?

A. Yes, ma'am.

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12:07:09 2

Q. Now, do you recall in the agreement

12:07:12 3

that you actually signed with wavecrest/Thermal, d,

12:07:17 4

that that paragraph was included?

12:07:19 5

A. As I said before, it's a long time

12:07:20 6

ago.

12:07:20 7

Q. So, do you recall?

12:07:22 8

A. I don't.

12:07:23 9

Q. And looking at this document doesn't

12:07:26 10

refresh your recollection of that; correct?

12:07:27 11

A. Only what they said when they said,

12:07:31 12

"Sign this. You're the super. Whatever happens,

12:07:33 13

respond. You're 24/7."

12:07:36 14

Q. And you just signed anything that was

12:07:37 15

put in front of you; is that right?

12:07:39 16

A. It -- it was very casual.

12:07:41 17

Q. Did you just sign anything that was

12:07:43 18

put in front of you?

12:07:44 19

A. He handed it to me; I signed it; I

12:07:46 20

took the keys.

12:07:47 21

Q. But you don't remember what you

12:07:49 22

signed; is that right?

12:07:50 23

A. I don't remember reading it with a

12:07:52 24

magnifying glass, no.

12:07:55 25

Q. Now, you just made reference to your

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alleged request to Mr. Yablonsky regarding these emergency situations, and he responded something about overtime.

Do you recall that testimony?

MR. KOERNER: Objection.

A. He just scoffed.

Q. Or, compensatory time; is that correct?

A. He just scoffed. He said, "Yeah, you may -- you may ask for additional time off later."

Q. And that's consistent with Paragraph 15 on Page 2 of Exhibit 4; is that correct?

A. I don't know.

Q. Would you take a look at Exhibit 2, which is your complaint in this action, looking at Paragraph 26 on Page 7, please.

(Witness peruses exhibit)

A. Yes.

Q. You say -- or, it says, "Plaintiff repeatedly inquired of defendants about the failure to pay proper wages."

But that's not accurate; is it?

A. I asked more than once --

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MR. KOERNER: Objection.

A. -- yes.

Q. You asked who more than once?

A. Jay.

Q. And you said you asked him a couple of times; is that correct?

A. At least.

Q. And you changed your testimony with regard to that question after you consulted with your lawyer --

MR. KOERNER: Objection.

Q. -- is that correct?

MR. KOERNER: Objection.
Objection.

Don't answer that.

MS. GOULD: You're directing him not to answer?

MR. KOERNER: Yes, I'm directing him not to answer.

MS. GOULD: Okay.

Q. You asked him a couple of times; is that correct?

A. At least a couple times, yeah.

Q. And you never asked Ms. Alderman for

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those wages; is that right?

A. No, I did not.

Q. "And despite these complaints, plaintiff's inquires were never answered, and defendants nevertheless repeatedly continued in their failure to pay plaintiff all of the wages due him under the law."

Do you see that?

A. Yes, I do.

Q. And when you use the word "repeatedly" there, how many times are you referring to?

A. Counting the last time we spoke, at least three.

Q. In the how many years that you worked at 91 East 3rd Street?

A. In the whole time I worked there.

Q. Looking at Paragraph 21 of the complaint, it says, "On or about May 1st, 2013, plaintiff visited the New York State Department of Labor Division of Labor Standards and described what had transpired."

Do you see that?

A. Yes, I do.

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Q. Where did you make that visit to the State Department of Labor?

A. Their office.

Q. Where?

A. I think it's on Vesey Street.

Q. In Manhattan, is that what you're saying?

A. Yeah.

Q. And to whom did you speak when you made that visit on or about May 1st, 2013?

A. One of the investigators.

Q. Do you remember the name of that person?

A. No, I don't.

Q. And you go on to state, "Representatives of the New York State Department of Labor reviewed plaintiff's employment agreement and related documents, as well as his pay records, and advised plaintiff that based upon these documents, and in light of the fact that he made himself available to his employer on a 24-hour basis, he should initiate a claim for unpaid wages against ThermalD."

Do you see that?

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12:11:25 2 A. Yes.

12:11:26 3 Q. Is it your testimony that you showed
12:11:28 4 a representative of the New York State Department
12:11:32 5 of Labor an employment agreement?

12:11:34 6 A. I don't know that I had that with him --
12:11:36 7 with me at that time, but I showed him what I
12:11:39 8 had.

12:11:39 9 Q. But in your complaint it says that
12:11:41 10 you showed him your employment agreement; is that
12:11:44 11 accurate, or not?

12:11:44 12 A. I showed him pay stubs for sure.

12:11:48 13 Q. I'm asking you --

12:11:48 14 MR. KOERNER: If you recall.

12:11:49 15 A. I don't remember. I showed him what
12:11:52 16 I had.

12:11:54 17 Q. Sir, I'm asking you to look at your
12:11:56 18 complaint, which you said you've reviewed for
12:11:59 19 accuracy.

12:12:00 20 MR. KOERNER: Right. The complaint
12:12:01 21 that was filled over a year ago.

12:12:03 22 Q. I asked you to look at your
12:12:06 23 complaint, which you said you reviewed for
12:12:08 24 accuracy. And it says here that on or about
12:12:11 25 May 1st, 2013, you showed the Department of Labor

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representative, your employment agreement.

I'm asking you if you did that or not?

A. I showed him everything I had.

Q. Did you show them any sort of employment agreement?

MR. KOERNER: Sitting here today, do you remember showing him that?

A. I don't recall exactly what all I showed them.

Q. Looking at Exhibit A to your complaint, please --

A. Yes.

Q. -- that two-page document, which is Exhibit A. It's attached to the complaint, sir. No, no, no. It's attached.

A. Here? *(Indicating)*

Q. Yes. Exhibit A.

Did you show the Department of Labor that document?

A. I can't be sure, ma'am.

Q. Did you show them any sort of employment agreement?

A. I showed them everything I had.

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Q. Did you show them any sort of employment agreement?

MR. KOERNER: Objection; asked and answered.

You can just repeat yourself again, Ron.

Q. You can repeat yourself again.

You don't recall; is that correct?

A. I kept all of my papers in one bag; I went down there with them. I said, "Is this right? They can do this?"

And they looked at it and said, "No, this is not right."

Q. Did you show them that employment -- the two-page document, which has now been --

A. I don't know, ma'am.

Q. -- attached to your complaint?

MR. KOERNER: I'll just say, once again, that's the third time that he's answered that he does not remember showing them specifically.

THE WITNESS: I showed them everything I had.

MR. KOERNER: But if he had it, he

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showed it to them.

Q. How do you explain the fact that in your complaint, it is stated that you showed them your employment agreement?

A. Ma'am, I showed them everything I had.

Q. How do you explain that you're now saying you don't recall whether you showed them your employment agreement, and you stated in your complaint that you did? How do you explain that discrepancy?

MR. KOERNER: There's no explanation needed.

MS. GOULD: Please let the witness answer.

MR. KOERNER: He already said he didn't have, you know, any recollection of it. So...

MS. GOULD: Let him answer the question, please.

MR. KOERNER: He has answered it three times.

MS. GOULD: No; you've been answering it three times.

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MR. KOERNER: No. He answered it
three times before I objected.

MS. GOULD: The record will speak
for itself.

MR. KOERNER: Good.

Q. *(Reading:)* Representatives of the
Department -- the New York State Department of
Labor -- this is also Paragraph 21 of your
complaint -- reviewed plaintiff's employment
agreement and related documents.

What related documents did you show
the New York State Department of Labor?

MR. KOERNER: Objection; asked and
answered.

A. Everything I had.

Q. And what was that?

A. Everything in that bag of stuff that
I kept.

Q. What was in that bag of stuff that
you kept?

A. Well, pay stubs, for one.

Q. Aside from -- and for what period of
time did you show the Department of Labor pay
stubs?

1 *Ronald Britt*

12:14:50 2 MR. KOERNER: If you know.

12:14:52 3 A. Everything I had. I think I kept
12:14:54 4 pretty much every pay stub. I'm not sure.

12:14:56 5 Q. So, are you saying you showed them
12:14:58 6 pay stubs from January of 2007, on?

12:15:01 7 MR. KOERNER: If you know.

12:15:01 8 A. I think I did. I'm not sure.

12:15:04 9 Q. Aside from pay stubs, what related
12:15:09 10 records or related documents did you show the
12:15:13 11 representative of the New York State Department
12:15:14 12 of Labor?

12:15:14 13 A. Whatever else was in that bag of
12:15:16 14 stuff I gave them.

12:15:19 15 Q. And you don't recall what that was;
16 is that correct?

17 A. What's that, ma'am?

12:15:21 18 Q. And you don't recall what that bag of
12:15:22 19 stuff contained; is that correct?

12:15:23 20 A. Everything that I had. All the
12:15:25 21 documents I had.

12:15:25 22 Q. Aside from pay stubs, what were
12:15:28 23 examples of other kinds of documents that you
12:15:30 24 had?

12:15:30 25 A. Ma'am, I don't know, but I -- I still

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have the bag of stuff if you want.

Q. And where is that?

A. It's back at my shop.

Q. And have you turned that over to your lawyer?

THE WITNESS: Did I give you everything?

MR. KOERNER: Yes, I thought you gave me everything.

THE WITNESS: I think I gave you everything I had.

Q. And looking at Exhibit 6, again.

A. Yeah.

Q. And looking at the last page of the exhibit, is this the \$38,928.70 calculation that you're referring to as made by the Department of Labor?

A. On that date, 38,900 and I thought it was 70-some, but okay.

Q. And that's the calculation the Department of Labor made based upon documents that you gave them; is that correct?

A. Yes, ma'am.

Q. But the documents, other than the pay

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stubs, are documents that you can't remember; is that right?

A. They may have kept that missing page, now that you mention it.

Q. What missing page?

A. This one. *(Indicating)* Because they said that whatever this was, was not right. And that's why they --

Q. And you're referring to -- let's refer to the exhibit, which is exhibit --

A. Whatever --

Q. That's Exhibit 4.

A. Whatever way they were paying me --

Q. Sorry. That's Exhibit 5.

A. -- was not in keeping with the Department of Labor, and that I should initiate this claim.

Q. So, you're saying that you showed them what document, aside from pay stubs?

A. I showed them everything I had, ma'am. And that may have included this employment contract. And it may account for why I'm missing a page there.

Q. Well, let's clarify that the

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12:17:10 2 employment contract that's attached to your
12:17:13 3 complaint has two pages; correct?

12:17:15 4 A. Yeah.

12:17:16 5 Q. And the employment contract that you
12:17:19 6 are referring to as Exhibit -- it's Exhibit 4,
12:17:22 7 although I don't see it in front of you -- has
12:17:24 8 three pages; correct?

12:17:25 9 A. Yes.

12:17:26 10 Q. And the draft of an employment
12:17:28 11 contract --

12:17:29 12 A. Has four or five, yeah.

12:17:31 13 Q. Four pages.

12:17:31 14 what did you show them?

12:17:32 15 A. I can't be sure, but everything I
12:17:35 16 had.

12:17:35 17 Q. So, aside from the employment
12:17:37 18 agreement, which you may or may not have shown
12:17:41 19 them, and the pay stubs, what else did you show
12:17:44 20 them?

12:17:44 21 A. I don't know.

12:17:47 22 MR. KOERNER: Can I ask a question?

12:17:49 23 MS. GOULD: No. You can ask a
12:17:52 24 question later.

12:17:53 25 MR. KOERNER: Okay.

1 *Ronald Britt*

12:17:53 2 Q. Now, I asked you what pay stubs you
12:17:56 3 gave the Department of Labor, and you said you
12:17:59 4 thought you gave them all the pay stubs since
12:18:03 5 you've been working; is that correct?

12:18:04 6 A. Yeah. You know, maybe there's one or
12:18:06 7 two missing. But pretty much, yeah. I kept them
12:18:08 8 all in a file.

12:18:10 9 Q. And you claim that you've turned that
12:18:13 10 all over to your lawyer; is that right?

12:18:15 11 A. Yeah, I think so.

12:18:17 12 Q. Okay. Looking again at your
12:18:18 13 complaint, and this time looking at Paragraph 21.
12:18:22 14 This is Exhibit 2, Paragraph 21. And going to
12:18:36 15 Page 7, which is the end of Paragraph 21. You
12:18:39 16 say, "Claim for unpaid wages filed by plaintiff
12:18:44 17 with the New York State Department of Labor on or
12:18:45 18 about May 1, 2013, as well as the printed
12:18:49 19 calculation of plaintiff's underpayment in the
12:18:51 20 amount of 38,928.75 attached hereto as Exhibits D
12:18:57 21 and E."

12:18:58 22 Do you see that?

12:18:58 23 A. Yes.

12:18:58 24 Q. would you take a look at Exhibit E to
12:19:01 25 your complaint.

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(Witness peruses exhibit)

A. Yes.

Q. Can you tell me what Exhibit E is?

A. This is what the Department of Labor generated as to the nature of that unpaid back pay.

Q. Right. So, this is generated by them, not by you; correct?

A. Correct.

Q. And this is based solely on what you showed them and told them; is that correct?

MR. KOERNER: If you know.

A. I presume it was the pay stubs, but I can't be sure.

Q. Now, according to this, Exhibit E, it says here that you worked commencing the period 9/2/11 through May 3rd of '13 -- with the exception of May 3rd of '13, through 4/26/13, you worked 91 hours a week; is that correct? Can you take a look at the exhibit, please.

A. What page are we looking at, ma'am?

Q. I'm looking at -- it's a two-page exhibit.

MR. KOERNER: These two pages.

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(Indicating)

THE WITNESS: Okay.

Q. It says here, "Number of hours worked." And with the exception of the week of 5/3/13, it says you worked 91 hours a week.

Do you see that?

A. Okay.

Q. Do you see that?

A. No, actually, I don't. Can you point it out to me?

Q. It's on the second column. It says, "Number of hours worked."

A. Okay.

Q. Did you tell the Department of Labor you worked 91 hours a week?

A. No, ma'am. They asked me how much do I sleep. And I said, eight hours. Which is probably inaccurate. I sleep a lot less.

Q. They asked you how much you sleep?

A. They asked me how much I sleep, and then they disappeared again.

Q. And you said, eight hours?

A. Yeah.

Q. You recall that?

1 *Ronald Britt*

12:21:18 2 A. I do remember saying that.

12:21:19 3 Q. So, where does this 91 hours a week

12:21:22 4 come from?

12:21:23 5 A. I don't know.

12:21:24 6 Q. But you never told anyone that you

12:21:26 7 work 91 hours a week; is that correct?

12:21:28 8 A. I told them I'm on call 24/7.

12:21:29 9 Q. Did you ever tell any representative
12:21:31 10 of the Department of Labor that you work 91 hours
12:21:34 11 a week?

12:21:34 12 MR. KOERNER: Objection.

12:21:35 13 You can answer it.

12:21:36 14 THE WITNESS: What?

12:21:37 15 MR. KOERNER: You can answer.

12:21:38 16 A. They only asked me how much I sleep,
12:21:41 17 ma'am.

12:21:41 18 Q. No. I asked you whether you ever
12:21:43 19 told them that you work 91 hours a week.

12:21:46 20 A. I did not tell them I work 91 hours a
12:21:48 21 week.

12:21:48 22 Q. Because you didn't work 91 hours a
12:21:51 23 week, did you?

12:21:51 24 MR. KOERNER: Objection.

12:21:52 25 Don't answer.

1 *Ronald Britt*

2 MS. GOULD: Are you directing him
3 not to answer that question?

12:21:52 4 MR. KOERNER: Yes.

12:21:52 5 Q. Did you work 91 hours a week from the
12:21:56 6 period of September 2nd, 2011, through April 26th
12:22:01 7 of 2013?

12:22:01 8 A. This is what the Department of Labor
12:22:03 9 gave me, ma'am.

12:22:04 10 Q. I'm asking you a different question.

12:22:04 11 MR. KOERNER: Answer the question.

12:22:08 12 Answer the question, Ron.

12:22:08 13 A. Well, I would say that if I wasn't
12:22:10 14 asleep, that I was still on call. And even while
12:22:13 15 I was asleep, I was on call. So, technically, I
12:22:17 16 would say I was working 24/7.

12:22:20 17 Q. But you never told anyone you were
12:22:22 18 working 91 hours a week; is that right?

12:22:24 19 A. No, I did not.

12:22:26 20 Q. Now, is it accurate that the
12:22:35 21 Department of Labor never adjudicated your claim
12:22:38 22 for unclaimed wages?

12:22:40 23 A. When I filed a federal lawsuit, this
12:22:43 24 got folded in with that as I understand it.

12:22:46 25 Q. So, the Department of Labor never

1 *Ronald Britt*

12:22:48 2 made a determination as to whether that claim was
12:22:49 3 a valid claim; is that right?

12:22:51 4 A. Well, I spoke to them, and they said
12:22:53 5 that the supervisor was never wrong about this,
12:22:56 6 and she was certain that this was a valid claim.

12:22:59 7 Q. But there wasn't a determination that
12:23:01 8 it was true; is that correct?

12:23:01 9 MR. KOERNER: Objection. He
12:23:02 10 testified that there was a determination.

11 MS. GOULD: No, no. There was not
12:23:03 12 a --

12:23:03 13 Q. Was there an official
12:23:05 14 determination --

12:23:05 15 MR. KOERNER: Official, okay.

12:23:07 16 Q. -- that this was a valid claim?

12:23:08 17 A. I don't know.

12:23:10 18 Q. Looking at Paragraph -- well,
12:23:16 19 withdrawn.

12:23:16 20 How many hours a week do you claim
12:23:23 21 you worked between August 27th, 2011, and
12:23:30 22 April 30th --

12:23:31 23 MR. KOERNER: Objection.

12:23:32 24 Q. -- 2013?

12:23:34 25 MR. KOERNER: Objection. He's

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already testified that he works 24/7.

MR. ETTINGER: Let's clarify: He takes the position that if he was on call, he was working.

MS. GOULD: I understand.

MR. ETTINGER: So, can we break down the difference between work and being on call, physically performing services.

MS. GOULD: That's fine. Let's do that.

Q. Between August 27th, 2011, up to and including August 26th, 2013, how many hours a week did you actually physically work?

A. I wouldn't be able to tell you, ma'am. It varied a lot. But I was always carrying a phone. And at any moment, I responded. Most of the time, I beat the big, red truck there.

MR. ETTINGER: That's not what she's asking you. She's asking you about physically performing services. Not sitting in your apartment, waiting for calls.

MS. GOULD: Or sitting somewhere

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else.

MR. ETTINGER: That's a distinction that we need to make, and you need to answer.

MR. KOERNER: And he's testified that that varied greatly.

MR. ETTINGER: Okay.

Q. And do you have any records which would tell you and us during that period - August 27th, 2011, through April 26th, 2013 - how many hours you actually physically worked and performed services?

MR. KOERNER: Objection; asked and answered.

You can answer again.

A. Would that include walking back and forth to the call? Would it include tool time? Would it include being on the phone with a client?

Q. Do you have any records of any sort of time that you spent actually working at the three buildings or, indeed, the fourth building listed in these agreements, which have been marked as various exhibits in the course of this

Ronald Britt

deposition?

MR. KOERNER: Objection; asked and answered.

You can answer it again.

A. I could refer to my phone bill.

Q. What would your phone bill tell us?

A. What time I was called, and when, and by who.

Q. Aside from those phone calls, I'm asking you whether you have any records which can tell you - and, therefore, us - how many hours you actually physically performed services at 91 East 3rd Street, 415 East 9th Street, 319 East 9th Street, or 115 Division Street, during the period August 26th, 2011, through April 26th, 2013.

MR. KOERNER: Objection. You've asked that same question in sum and substance at least five times, and he's stated that he has no records, other than phone records. So, I mean, if this is how you want to spend your deposition time, go ahead.

MS. GOULD: Thank you.

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Ronald Britt

12:25:54

2

Q. Now, looking at your complaint again,

12:26:04

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and I'm calling your attention to Paragraph 22,

12:26:08

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Page 7. Paragraph 22 of your complaint states,

12:26:25

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"Plaintiff regularly worked 75 hours per week."

12:26:32

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What did you mean by that statement?

12:26:35

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A. That that sounds about right.

12:26:38

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Q. Sounds about right with regard to

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what?

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A. Well, it depends on what you define

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work as, ma'am.

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Q. Well, this is your complaint,

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Mr. Britt, and I'm asking you what you mean when

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you say --

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A. Well, keeping an eye on the building.

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Q. -- when your lawyer said -- excuse

12:26:52

17

me.

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A. Keeping an eye on the building.

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Q. "Plaintiff regularly works --

20

A. Keeping an eye on the building.

12:26:54

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Q. -- 75 hours per week."

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MR. KOERNER: Do you want him to

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23

describe what the 75 hours are comprised

12:26:57

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of again?

12:26:57

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A. Anything that went wrong -- I'm like

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Ronald Britt

an Alaskan State Trooper -- get on it; take care of it. Nobody wants to hear about anything. I call the management, but they don't call back. I just have to deal with it.

More often than not, I'm putting money out of my own pocket. And then, of late, I'm not even receiving the money that I laid out even on my debit card for such things as like a dehumidifier to keep a child from dying of black mold.

I go down to -- any hour of the day or night to make sure that the buildings are well maintained. I'm walking around at every hour, making sure that everything's fine. Everything from light bulbs, to how clean it is, to, is somebody leaving trash out and it's not trash night. It's ongoing; it's constant.

Q. Did you physically perform work 75 hours per week?

MR. KOERNER: Objection. That's not what it says here.

MS. GOULD: I'm asking him my question, sir.

MR. KOERNER: Okay.

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Ronald Britt

Q. Go ahead.

A. Ma'am, I was working. If I was awake, I was working.

Q. Did you physically perform work 75 hours a week?

MR. KOERNER: Is anyone physically working here?

MS. GOULD: Really?

MR. KOERNER: Really. He's testified he was working 75 hours.

MS. GOULD: You know what, cut it out Ron -- Greg.

Sorry; I don't mean to cut you off.

Q. Do you have any records which support --

A. Didn't we go through this?

Q. -- this statement that you regularly worked 75 hours a week?

MR. KOERNER: Objection. That's six times.

Go ahead.

A. Ma'am, I think we've been through this.

Q. What is your answer, sir?

1 *Ronald Britt*

12:28:26 2 A. If I was awake, I was working.

12:28:28 3 Q. Do you have any records that document
12:28:29 4 the fact that you claim you were working 75 hours
12:28:32 5 a week?

12:28:32 6 A. My phone records.

12:28:34 7 Q. Other than your phone records --

12:28:34 8 MR. KOERNER: Off the record.

9 *(Off-the-record discussion)*

10 MR. KOERNER: Back on the record.

11 This is insane. You don't have any
12 records regarding your time. Let's go
13 ahead and say that for the seventh time.

14 MS. GOULD: Do you really want a
15 federal judge to see this deposition and
16 what you're saying?

17 MR. KOERNER: Well, first of all,
18 you were off the record before, I thought.

12:29:02 19 He stated several times, at least
12:29:02 20 seven times on the record, that he does
12:29:04 21 not have records of his time while he was
12:29:06 22 working. He was the superintendant of
12:29:08 23 four different buildings.

12:29:10 24 Q. When you went to the State of
12:29:11 25 New York Department of Labor, did you tell any

Ronald Britt

representative of the Department of Labor that, as part of your compensation package, you were given an apartment to live in, rent-free?

A. I believe I did.

Q. What did you say about that?

A. Whatever they asked me, I answered.

Q. You told them that you were given an apartment to live in as part of your package; is that correct?

A. Yes.

Q. And did you tell them that you were given free utilities as part of your package?

A. I don't know for sure, but I would imagine that they figured that in.

Q. But you don't know that; is that correct?

A. Again, that's been a little while, too. I gave them what I had; they gave me this; and they said I should proceed.

Q. And did you tell them that you also received reimbursement for your phone, your phone service?

A. I don't know. But if it was in the employment contract that I may have provided,

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Ronald Britt

then I guess they would know that.

Q. If it was in the employment contract that you may have provided, but you don't know if you provided it. And if you provided, you don't know what you provided --

A. I gave them everything I had.

Q. -- is that correct?

MR. KOERNER: That's fine.

Q. Is that correct?

A. I gave them everything I had, ma'am.

Q. Now, it's not your testimony, is it, that during the period August 27th, 2011, through the time that you were terminated, that the only compensation you received was a weekly check of \$350? That's not your testimony, is it?

MR. KOERNER: Objection; asked and -- objection.

You can answer.

A. I got an apartment.

Q. But you received other compensation in addition to your weekly salary while you were employed at 91 East 3rd and the other buildings; is that correct?

A. To do outside jobs for a number of

Ronald Britt

people including Thermal Realty, yes.

Q. During the period August 27th, 2011, through April 30th, 2013, what was your weekly salary?

A. I would have to check my records on that, ma'am.

Q. You don't have a recollection of that?

A. It's been some time.

MS. GOULD: Mark this, please.

(Whereupon, 23 pages containing pay stubs were marked as Exhibit 7, for id.)

Q. This is the Exhibit 7. *(Handing)*
(Witness peruses exhibit)

Have you had a chance to look at Exhibit 7? And for ease of questioning, I numbered the pages 1 through 23.

THE WITNESS: These are pay stubs; right?

MR. KOERNER: Looks like it to me.

Q. Well, the question is, what it looks like to you, Mr. Britt.

A. It looks like pay stubs to me.

Q. And they're your pay stubs; is that

Ronald Britt

right?

A. Yes, ma'am.

Q. And looking at the first -- and this is your pay stubs from your work for Thermal/ Wavecrest; is that correct?

A. Yes.

Q. And the first page of Exhibit 7 is a pay period that's indicated here 1/1/11 to 1/7/11, and the check date is 1/6/11; is that correct? Look at the first page.

A. Yes. What are we looking at?

Q. We're looking at the date of the check and the pay period.

(Witness peruses exhibit)

A. Okay. Okay. Pay period 1/1/11 to 1/07/11, yes.

Q. And the last page of the exhibit, which is Page 23, is a check for the pay period 8/27/11 to 9/2/11; is that correct?

A. Yes.

Q. So, does this Exhibit 7 represent true and accurate copies of your pay stubs for the period January 1, '11, until September 2nd, 2011?

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Ronald Britt

A. I suppose I'd have to read through each one.

Q. Well, is there any doubt in your mind? Take a quick look -- well, take a look through the exhibit.

(Witness peruses exhibit)

A. You know, not to hold things up, I could look at this over lunch.

Q. Well, my question to you is whether this exhibit and the 23 pages of the exhibit, refresh your recollection as to what your weekly salary was in 2011?

A. I'd have to go through this carefully, ma'am. I don't want to make any --

Q. Do you have any doubt about what your salary was?

A. -- false statements.

Q. By the way, how were you paid at the beginning of 2011? Was it once a week? Once every two weeks? What was it?

A. I think it -- initially, when I first started, it was once a week, and then it went to once every two weeks.

Q. So, in 2011, at least at the

1 *Ronald Britt*

12:35:40 2 beginning of 2011, how frequently were you paid?

12:35:46 3 MR. KOERNER: If you know.

12:35:46 4 A. I'm going to have to look at this
12:35:49 5 carefully. What is the question again?

6 Q. The question was --

12:35:51 7 MR. KOERNER: I'll show you
12:35:52 8 quickly. The last page starts in '07.

9 MS. GOULD: Please.

12:35:57 10 MR. KOERNER: No. I'm showing him
12:35:58 11 this. He doesn't understand. So, looking
12:35:59 12 at it -- you're asking him how much he was
13 paid.

12:36:01 14 It looks like you were getting paid
12:36:02 15 that much at that point per week.

16 THE WITNESS: Yes.

17 MR. KOERNER: And it looks to me
12:36:04 18 like you were getting paid that much at
12:36:05 19 this point per week. So, I don't know if
20 that's true, but answer her question.

12:36:08 21 THE WITNESS: Okay. So, along the
12:36:09 22 way I got a raise, apparently.

12:36:11 23 Q. Were you paid \$350 a week in the year
12:36:14 24 2011?

12:36:16 25 A. I don't know, ma'am.

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Ronald Britt

MR. KOERNER: That's 2007; right?

(Indicating) So, in 2011 it shows that you were getting more. So, I don't know if that's true or not.

A. Yeah, if they show it. Whatever the pay stub says, the check probably matched.

Q. And you're testifying, as you sit here today, that you don't know what you were paid on a weekly basis in the year 2011; is that correct?

A. Whatever the pay stub reflects, is probably accurate, ma'am.

Q. Well, the first pay stub in Exhibit 7, Page 1, it says: "Regular: \$700."

Do you see that?

A. Yes.

Q. And what does that number reflect?

A. I would presume that it's 350 per week.

MS. GOULD: Now, you may take a break.

(Luncheon recess held from 12:37 to 1:24 p.m.)

CONTINUED EXAMINATION BY MS. GOULD:

Q. I was asking you some questions,

Ronald Britt

Mr. Britt, about Exhibit 7, which was a series of pay stubs. And I asked you whether taking a look at those pay stubs refreshed your recollection as to, in 2011, what your weekly salary was. And I believe you said it was \$350 a week; is that correct?

A. I think I said if that's what the pay stub reflects, it's probably correct.

Q. Well, do you have a recollection of what your salary was in 2011?

A. No, not really.

Q. Well, then, I'm again asking you to take a look at Exhibit 7 and see whether that document refreshes your recollection as to what it was.

A. Ma'am, for the most part, a lot of this was direct deposit.

Q. Right. But you kept track of what you were earning, didn't you?

A. I only kept the pay stub.

Q. But the pay stub tells you what you were earning, doesn't it?

A. I suppose it does, but I didn't really look at it. It went to direct deposit.

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Ronald Britt

Q. Well, are you saying you never looked at it?

A. Only when I threw it in the file.

Q. Do you know what you were earning in 2012 on a weekly basis?

A. I can't say for sure, ma'am. I'd have to check.

Q. And what about in 2013? What would you have to check?

A. Pay stubs.

Q. Well, I'm giving you the pay stubs for a period of time commencing on January 6th, 2011.

A. Well, then, I would tell you that whatever the pay stub reflects is probably correct. And here they are.

Q. So, were you earning \$350 a week in 2012?

A. If that's what it says, then yes.

Q. But you have no recollection of that?

A. I can't be sure, ma'am. I'd have to sit down and be careful about being exact about this.

Q. Did you review any documents in

Ronald Britt

preparation for today's deposition?

A. Not really.

Q. Well, is that a yes or a no?

A. That would be only when you hand them to me.

Q. So, prior to today, you did not review any documents in preparation for the deposition; is that correct?

MR. KOERNER: Yes or no.

A. Well, when I sat down with my attorney, certainly.

Q. Yes. And when was that?

A. Several times over the last couple of weeks.

Q. And what documents did you review when you sat down with your attorney in preparation for today's deposition?

MR. KOERNER: Objection. We're not going to go into lawyer/client privilege. First of all, if you remember. And, we're getting into lawyer/client confidentiality.

MS. GOULD: No, we're not. I think --

MR. KOERNER: Yes, we are.

1 *Ronald Britt*

01:26:56 2 MS. GOULD: Mr. Koerner, I think
01:26:56 3 that actually it's a fairly standard
01:26:58 4 question to ask a witness --

01:26:59 5 MR. KOERNER: What documents did
6 you review --

7 MS. GOULD: -- what documents they
8 reviewed in conjunction and preparation
9 for today's deposition.

01:27:01 10 MR. KOERNER: Do you remember what
11 documents you reviewed?

01:27:03 12 THE WITNESS: Not all of them.
01:27:05 13 stacks.

01:27:05 14 Q. What were some of the documents you
01:27:07 15 reviewed?

01:27:07 16 A. Well, we looked at all of those --

01:27:11 17 MR. KOERNER: Objection to this
01:27:12 18 entire line of questioning.

01:27:14 19 A. We looked at all of those letters of
01:27:17 20 recommendation. We looked at all of those
01:27:19 21 Christmas cards. We looked at the letter that
01:27:23 22 Jay wrote me, the letter of recommendation.
01:27:27 23 Several others. I don't know.

01:27:30 24 MR. KOERNER: Don't look at me.

01:27:31 25 Q. Did you look at the complaint that

Ronald Britt

was filed on your behalf?

A. I looked at that some time ago. But to be honest, I hadn't looked at it until you handed it to me again. A lot of it's very technical, beyond what I understand. So, I talked it over with him --

Q. Your lawyer?

A. -- and he understood, so...

MR. KOERNER: Objection, again, to any lawyer/client privilege.

Q. Don't relate to me any conversations with your lawyer.

A. Right. Well, he understood what my complaint was, and then he put it down to paper.

Q. And did you review any of your pay stubs in preparation for today's deposition?

A. I just handed them to him.

Q. Did you review them in preparation for today's deposition?

A. I did not.

Q. Did you review any sort of invoice that you submitted to Wavecrest in preparation for today's deposition?

A. Not really, no.

Ronald Britt

Q. Was there any point in time when you were employed by ThermalD/Wavecrest that you entered into any sort of arrangement whereby you would perform services or work in addition to your services or work as a superintendant or janitor?

A. Well, yeah.

Q. And when did you enter this arrangement?

A. It was near the beginning of the time I began working for Doreen.

Q. And with whom did you enter such an arrangement?

A. Doreen.

Q. And what is the arrangement that you entered with Doreen?

A. Ma'am, I'm embarrassed to go into it, but I have to.

Q. No, no, no. I'm talking about the issues of your payment. I'm not talking about other issues, which we'll get to later.

A. Employment?

Q. Right.

A. Well, it became clear to me that if I

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Ronald Britt

01:29:26 didn't have sex with Doreen, I wouldn't be
employed.

MS. GOULD: Move to strike.

01:29:30 THE WITNESS: I would be out of a
01:29:30 job, and I would be out of an apartment.

MS. GOULD: Move to strike.

01:29:32 THE WITNESS: Well, I'd like to
01:29:33 answer the question completely.

MS. GOULD: Move to strike as not
responsive.

01:29:34 Q. Let me ask you a different question.
01:29:37 Aside from your weekly pay - whatever the number
01:29:41 was - as reflected on the pay stubs in Exhibit 11
01:29:45 and on other pay stubs, were you ever paid monies
01:29:49 in addition to that pay by Thermalld/wavecrest?

01:29:54 A. For outside jobs, yes. Actually, I
01:29:56 was paid before I became an employee. They hired
01:30:00 me to do several jobs out of my shop after they
01:30:03 hired -- after they rented me the shop.

01:30:07 Q. I'm talking about during the period
01:30:08 of your employment. You said you were paid for,
01:30:10 quote, "outside jobs;" is that correct?

01:30:12 A. That's correct.

01:30:13 Q. And what do you mean by "outside

Ronald Britt

jobs"?

A. I mean, if there was additional work to do on the buildings, like somebody has -- missing some tile or whatever, I would contact Jay, give him an estimate of what it would cost. He would then okay it. I would do it, and I would invoice it. And for the most part, I would just invoice the first -- the full amount, until they started taking taxes even on materials I was buying. And then I would have to break it up, labor and materials.

Q. And when you say -- withdrawn.

When did you first agree with -- and you're saying "Jay." You mean Jay Yablonsky; is that correct?

A. Correct.

Q. And he was a representative of Wavecrest; is that correct?

A. Correct.

Q. And so, there was a point in time when you agreed with Jay Yablonsky that you would do certain additional work, and you would get paid certain additional sums of money; is that correct?

Ronald Britt

01:30:54 2 A. Right.

01:30:55 3 Q. And I asked you when you first
01:30:56 4 entered this arrangement, and you thought it was
01:30:59 5 toward the beginning of your employment at 9 --

01:31:02 6 A. And, technically, ma'am, before I
01:31:04 7 even began working for them.

01:31:04 8 Q. Well, I'm talking about since you
01:31:06 9 started working for Thermal/Wavecrest, when did
01:31:11 10 you enter an arrangement whereby you would be
01:31:14 11 paid for certain extra work that you did?

01:31:17 12 MR. KOERNER: Objection. He tried
01:31:18 13 to testify that he had that arrangement
01:31:20 14 before he was employed.

01:31:22 15 A. I kept it throughout.

01:31:23 16 MS. GOULD: But I'm talking about
17 since the time he was employed.

18 MR. KOERNER: So, then say, from
01:31:25 19 the time he was employed.

01:31:25 20 MS. GOULD: I just asked that
01:31:26 21 question.

01:31:27 22 Q. So, you're saying from the beginning,
01:31:29 23 you had that arrangement; is that correct?

01:31:30 24 A. That's correct.

01:31:31 25 Q. And you entered this arrangement with

Ronald Britt

Jay Yablonsky?

A. All work was approved by Doreen.
That was her stipulation.

Q. How do you know that?

A. Well, she emailed me that.

Q. She emailed you that when?

A. That no -- no jobs could proceed --
after she stiffed me for 3,000 on a -- on a
window thing that she approved of, but then later
conveniently forgot.

Q. Let's talk about any arrangement that
you had with Jay Yablonsky. Okay?

What arrangement did you enter into,
if any, with Jay Yablonsky regarding extra work
at the buildings and being paid money for that
work?

A. The agreement was that I would submit
an estimate of what it would cost, Doreen would
approve it. And then, when he green-lighted it,
I would do it. And if I had to lay out money out
of my own pocket, I should provide receipts.

Q. And you said that this was -- that
you entered this arrangement at the beginning of
the time that you became an employee; is that

Ronald Britt

correct?

A. It was an agreement in place throughout the time since before I was an employee.

Q. And this extra work or extra jobs, as you call it, were going to be performed and you were going to be paid in addition to your weekly salary; is that correct?

A. Correct.

MS. GOULD: One second.

(Pause in the record)

Can you mark this, please.

(Whereupon, 6-page email chain was marked as Exhibit 8, for id.)

Q. Taking a look, Mr. Britt, at Exhibit 8... *(Handing)*

(Witness peruses exhibit)

A. Yes.

Q. Do you recognize Exhibit 8?

A. I do.

Q. Can you tell me what it is, please.

A. Well, it seems to be some of the invoices that I submitted for additional work done for Thermal.

Ronald Britt

Q. So, taking a look at -- and I've numbered the pages of Exhibit 8 just for ease. Taking a look at the first page of Exhibit 8, can you tell me what that page represents?

A. An invoice from January 2010.

Q. For what?

A. To replace a bedroom door in Number 8. To remove, replace, repaint damaged areas and ceiling walls from water damage of two floods. Getting matching paint from Home Depot. Installing 14 kitchen handles and -- and 42 -- no. \$42 for cabinet handles.

Q. Now, did you and Mr. -- and this total invoice was for \$882; is that right?

A. Yes.

Q. And now, did you discuss this job -- withdrawn.

Is this one of the side jobs or extra jobs that you're referring to?

A. Yeah. Everything that -- all work I did was discussed with Jay Yablonsky, for sure.

Q. So, did you discuss with Mr. Yablonsky this job prior to the time that you actually did the work?

Ronald Britt

01:36:01 2 A. Yes, I did.

01:36:02 3 Q. And what did you discuss with him?

01:36:03 4 A. Well, I remember when the flood
01:36:06 5 happened in Number 8, he said, get it fixed right
01:36:10 6 away, because that is a troublesome tenant.

01:36:13 7 And the -- I don't remember the story
01:36:16 8 on the cabinet handle doors, but it seems like
01:36:20 9 there was a wrinkle on that one.

01:36:22 10 Q. Did you discuss with Mr. Yablonsky --
01:36:25 11 before you actually performed the work that's
01:36:28 12 represented on Page 1 of Exhibit A, did you
01:36:30 13 discuss with him how much you were going to
01:36:33 14 charge to do the work?

15 A. I always quote the range.

01:36:36 16 Q. You quote a range, is that what
01:36:36 17 you're saying?

01:36:37 18 A. Yes.

19 Q. And in this particular case, you have
01:36:37 20 an \$882 total.

01:36:40 21 Do you recall what the range was that
01:36:41 22 you quoted Mr. Yablonsky?

01:36:43 23 A. I do not.

01:36:44 24 Q. And what was the range based on?

01:36:47 25 A. How many hours I expected to take and

Ronald Britt

what the materials would be.

Q. And looking at the first page of Exhibit 8, which is an invoice from January of 2010, do you set forth -- no. Well, it says January 2010, but was it actually work done on January -- in January of 2011?

A. I can't be sure, but as -- I would only invoice every so often, when things added up.

Q. Well, looking at -- this invoice is contained in an email; isn't it?

A. Yes.

Q. And it seems to say, "On Tuesday, January 4, 2011, Ron Britt wrote," and then, "Invoice from Ron, January 2010."

Do you recall whether, in fact, this was in January 2011 that you submitted this invoice?

A. It's outstanding work that I was billing for, but I can't be --

Q. Did you wait a year to submit an invoice?

A. No, I don't think I would, ma'am.

Q. People tend to get the dates wrong at the beginning of the year; don't they?

Ronald Britt

A. I don't know that.

Q. Now, you said this was based on the hours that you thought it would take you --

A. And the materials.

Q. -- and the materials you thought you needed.

Is there any mention of any hours in this particular invoice? The first page of Exhibit 8.

A. No, there are not.

Q. So, how was it that you estimated what you ought to be paid for this job when you had a conversation with Mr. Yablonsky?

A. I would quote him a range. So, if it was 240 -- certainly, it's well within that range, whatever I quoted. But if you want to know what a replacement door costs, or what it costs to go get it, or a replacement handle, and then to hang it, I think that's a reasonable amount of money.

Q. What I'm asking you is whether you quoted Mr. Yablonsky a range of the time that it was going to take you --

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Ronald Britt

Q. -- to do the job?

A. Not on these jobs, I didn't. I just quoted it based on what I thought was how much time it would take, how much materials it would take, and what was reasonable.

Q. So, with regard to the first page of Exhibit 8, this invoice, which appears to come from January 4th, 2011, although it's dated January 2010, do you know how many hours it took you to do this job?

A. I would say, divide 420 bucks by \$35 an hour.

Q. And what was the number \$35 an hour based on?

A. That's what I generally charged Wavecrest. For other outside clients, 45 or 55, depending on their issue.

Q. You generally charged wavecrest 35?

A. And other people more, yeah.

Q. And when you say you charged other people more, who were those other people?

A. Well, several repeat clients. I could get you a list of some of them if you'd like.

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Ronald Britt

Q. And those are repeat clients in the neighborhood?

A. Yes.

Q. And so, you were doing work for those repeat clients while you were employed as a super or janitor for Thermal/Wavecrest; is that right?

A. On occasion there would be a pick-up job, yes.

Q. And how frequently did you do that?

A. I don't know. Whenever something happened.

Q. And you typically charged those clients more than you charged Wavecrest; is that correct?

A. I did.

Q. And do you have records of how much money you earned doing those other jobs?

A. Somewhere probably, yes.

Q. What's the nature of those records?

A. I'd have to fish through my notes. Because when people call in, I generally write down what the issue is, and where, and when, and who's going to be there.

Q. And then, you said you generally

Ronald Britt

1 charged either 45 or \$50 an -- \$55 an hour for
2 that work; is that correct?

3 A. Depending, yeah.

4 Q. And were you typically paid by check
5 for those jobs?

6 A. On occasion.

7 Q. And how else were you paid?

8 A. Cash.

9 Q. And do you have any estimate with
10 regard to the year 2011, as to how much you
11 earned on those other jobs?

12 A. I would have to look at it. But it's
13 worth mentioning that when I took the job as
14 super, I pretty much cut out everybody except a
15 few repeat clients.

16 Q. And who are those few repeat clients?

17 A. Swifts.

18 Q. Who's Swifts -- what is Swifts?

19 Sorry.

20 A. It's a bar on 4th Street.

21 Q. Who else?

22 A. The Bean; it's a coffee shop.

23 Q. And where is that?

24 A. It's on 3rd Street.
25

Ronald Britt

01:41:05 Q. Who else?

01:41:06 A. I don't know. I'd have to think
01:41:09 about it.

01:41:11 Q. And sometimes you were paid in check
01:41:13 and -- by check and sometimes in cash; is that
01:41:16 correct?

01:41:16 A. Correct.

01:41:16 Q. And did any of the entities for whom
01:41:19 you did this work issue you 1099s?

01:41:23 A. No.

01:41:24 Q. And with respect to the year 2011, do
01:41:35 you know how much you earned doing these other
01:41:41 outside jobs?

01:41:42 A. No, I don't. But I can tell you, it
01:41:44 wasn't much.

01:41:45 Q. Can you estimate how much you earned?

01:41:47 A. No. But I could -- if we're gonna
01:41:49 come back tomorrow, I could work up something for
01:41:52 you.

01:41:52 Q. And when did you do those other jobs?
01:41:56 In other words, did you do them while you were
01:41:58 also performing work as a super/janitor at the
01:42:03 Thermal buildings?

01:42:03 A. It just depends on when the job came

1

Ronald Britt

01:42:06

2

up. But for the most part, weekends if it's

01:42:09

3

something I could schedule.

01:42:11

4

Q. And did you ever do those jobs at

01:42:13

5

night?

01:42:13

6

A. It depends on when it happened. But

01:42:16

7

for the most part, it would be something simple.

01:42:19

8

You know, like faucets leaking. It would take

01:42:25

9

20, 30 minutes.

01:42:25

10

Q. Did you ever perform those jobs

01:42:27

11

during the hours between 9:00 and 5:00 or 6:00

01:42:31

12

during the day?

01:42:32

13

A. Usually, after 5:00, I would say.

01:42:37

14

Q. But you were also paid to work for

01:42:39

15

ThermalD after 5:00; isn't that true?

01:42:42

16

A. Oh, yeah.

01:42:43

17

Q. So, going back to Exhibit 8, the

01:42:59

18

first page, you submitted an invoice to

01:43:07

19

Mr. Yablonsky dated January, it says, of 2010 -

01:43:11

20

we don't know if it's '10 or '11 - for \$882; is

01:43:17

21

that correct?

01:43:17

22

A. Yes.

01:43:17

23

Q. And were you paid that \$882?

01:43:20

24

A. Probably, yes.

01:43:20

25

Q. Well, looking at the second page of

1

Ronald Britt

01:43:23

2

Exhibit 7, which should also be in front of you,

01:43:30

3

does that refresh your recollection as to whether

01:43:31

4

you were paid that \$882?

01:43:35

5

(Witness peruses exhibit)

01:43:41

6

A. Yes.

01:43:41

7

Q. And, in fact, you were paid; is that

01:43:44

8

correct?

01:43:44

9

A. Yes.

01:43:44

10

Q. Okay. And that is listed here as --

01:43:48

11

on Page 2 of Exhibit 7, as "Apartment repair

01:43:52

12

earnings;" is that correct?

01:43:53

13

A. Yes.

01:43:53

14

Q. And who issued the check for these

01:43:58

15

payments?

01:43:58

16

A. Thermal Realty.

01:44:00

17

Q. And who signed the check?

01:44:02

18

A. Doreen Alderman.

01:44:03

19

Q. Are you sure about that?

01:44:04

20

A. I can't be sure, no. But it seems to

01:44:07

21

me that she signs all her own checks.

01:44:09

22

Q. Does she sign payroll checks?

01:44:12

23

A. I believe she told me once she signs

01:44:14

24

all checks.

01:44:14

25

Q. Well, did you ever see any check that --

Ronald Britt

any payroll check that she signed?

A. I don't know. I'd have to look into it.

As I said, a lot of this is direct deposit. I could show you one that she paid direct --

Q. I'm not asking for that now.

A. -- deposit --

Q. I'm not asking --

A. -- and then took back out of my bank account.

Q. Well, you can talk about that later, and maybe we will.

But for right now, looking at Page 2 of Exhibit 7, does that indicate whether this payment was direct deposit, or not?

A. Where would that be?

Q. I'm asking you to take a look at Page 2 to ascertain whether there is any indication that this was paid by direct deposit.

(Witness peruses exhibit)

A. I can't tell.

Q. And the check for this \$882 less withholding, was issued on January 14th of 2011;

Ronald Britt

1
2 is that correct? Looking at the check date on
3 Page 2.

4 A. I don't see that.

5 Okay. Check date, yes, 1/14/11.

6 Q. Were you also paid your \$350 a week
7 for that pay period?

8 A. I was.

9 Q. Looking at Page 2 of Exhibit 8,
10 that's the second invoice, can you tell me what
11 that invoice is?

12 A. That's a total of \$580 for various,
13 small, handy-guy things.

14 Q. And did you discuss this job and this --
15 whatever these jobs were with Mr. Yablonsky,
16 prior to the time that you did the job?

17 A. Yes.

18 Q. And how did you come to the number
19 \$580?

20 A. Well, it would be the total of the
21 materials and labor.

22 Q. And did you list the number of hours
23 that you were going to spend on this particular
24 endeavor?

25 A. No, I did not.

1

Ronald Britt

01:46:53

2

Q. So, how did you arrive at the number

01:46:57

3

\$580?

01:46:58

4

A. Well, ma'am, if you just look at the

01:47:01

5

last thing on the list, "Paint out graffiti on

01:47:04

6

front door trash can at 319, \$20." That would

01:47:09

7

probably be \$5 for a can of paint, and \$15 to

01:47:13

8

walk over and paint it out.

01:47:13

9

Q. But you don't list any particular

01:47:15

10

number of hours on this invoice, do you?

01:47:17

11

A. No, ma'am, but that seems like a

01:47:19

12

reasonable number.

01:47:20

13

Q. Well, how did you arrive at the \$580,

01:47:21

14

is what I'm asking you.

01:47:21

15

A. Because it probably took me about ten

01:47:25

16

minutes to walk over and take care of that, maybe

01:47:27

17

30 minutes max. And I felt 20 bucks was a

01:47:32

18

nominal charge.

01:47:33

19

Q. And the rest of it was, what?

01:47:36

20

A. The 20 bucks would include the price

01:47:40

21

of the paint, I suppose.

01:47:42

22

And then, the -- in the lower

01:47:46

23

corridor, "Close up the ceiling, repair pipes

01:47:49

24

with Hong sticks, paint with stain blocker."

01:47:51

25

That would indicate at least three trips.

Ronald Britt

Q. So, you indicated in response to my earlier questions that you typically charged ThermalD/Wavecrest \$35 an hour for your work.

A. Or less.

Q. And did you have an hourly charge for this invoice, which is Page 2 of Exhibit 8?

A. I didn't show any hours on that, no, ma'am.

Q. Did you give Mr. Yablonsky a range for this work before you did it?

A. Yes, of course.

Q. And did you ever discuss this work, which is reflected on Page 2, or the work reflected on Page 1 of Exhibit 8, with Ms. Alderman?

A. Nope.

Q. And were you paid this \$580?

A. I probably was, yes.

Q. And were you also paid for the time in which you -- during the time that you worked and did the work reflected on Page 2 of Exhibit 8, did you also receive your weekly paycheck or weekly pay in the amount of \$350?

A. Probably, yes.

1 *Ronald Britt*

01:48:54 2 Q. Well, you don't doubt that, do you?

01:48:56 3 A. No, ma'am. But I would say that many
01:49:01 4 times there were mistakes made on my paycheck.

01:49:05 5 Q. And were they corrected?

01:49:07 6 A. Not always.

01:49:08 7 Q. How many times were they not
01:49:10 8 corrected?

01:49:11 9 A. Well, here's an example.

10 *(Indicating)*

01:49:12 11 Q. Which example is it?

01:49:14 12 A. This is, like, a total of 1,200 still
01:49:18 13 due. They did pay it, but then they went into my
01:49:22 14 account and took it back out.

15 Q. Why don't you hold on to that, and
01:49:22 16 we'll talk about it later.

01:49:22 17 MR. KOERNER: You don't want to
01:49:24 18 mark it as an exhibit?

01:49:25 19 MS. GOULD: No, not now, because
20 I'm asking other questions now. We'll get
21 to it later.

22 We'll hold it over here. We'll
23 make some copies of it.

01:49:27 24 THE WITNESS: That would be one
25 example.

Ronald Britt

Q. That's after you were terminated; is that correct?

MR. KOERNER: Why don't you just read and describe what it is.

A. I submitted this --

MS. GOULD: I'm not reading or describing it. I'm asking questions.

MR. KOERNER: Well, that's my question.

MS. GOULD: No. We're not going --

MR. KOERNER: Why don't you take a look of what you just, of your own volition, got out and describe what it is?

THE WITNESS: This is an invoice that I had submitted before I was terminated. After I was terminated, they deposited it in my account, and then reached back in and took it out.

Q. And who did that?

A. The pay person at Thermal, I suppose.

Q. The pay person at Thermal or at Wavecrest?

A. At Wavecrest?

Ronald Britt

01:50:01 2 MR. KOERNER: Was it dated?

01:50:02 3 THE WITNESS: Yes.

01:50:03 4 MR. KOERNER: What was the date?

01:50:05 5 THE WITNESS: That's the second
01:50:06 6 time I invoiced them on it. This is --
01:50:11 7 this is receipts I gave them by hand. And
01:50:13 8 this is Monday, May 19th. So, this is,
01:50:16 9 like, the second or third time I submitted
01:50:19 10 this. And here you can see that instead
01:50:21 11 of just billing what the total job was,
01:50:23 12 where I just quoted range, this is broke
01:50:26 13 out to be materials and labor. And I
01:50:31 14 wasn't reimbursed for any of the materials
01:50:34 15 I put out, or paid for my labor.

01:50:37 16 MS. GOULD: Okay. Let's just mark
01:50:39 17 this, and we'll then make some copies of
18 it.

19 *(Whereupon, two-page 5/19/14 email*
01:51:24 20 *was marked as Exhibit 9, for id.)*

01:51:24 21 MS. GOULD: Just give me one
01:51:25 22 second; I'll make copies for everybody.

01:51:31 23 MS. LENIHAN: Do you want me to do
01:51:32 24 that, Jane?

01:51:34 25 MS. GOULD: That would be great.

Ronald Britt

Q. Going to the third page of Exhibit 8 -- do you recognize this exhibit?

A. Yes.

Q. And what is it?

A. It's an invoice.

Q. And what is the total amount of this invoice?

A. Well, there's a total reimbursement of \$276, and then there's a total labor of 310.

Q. So, that's \$586?

A. Yeah, if you say so.

Q. Do you have any doubt about that?

A. Well, give me a second.

Q. Okay.

A. No, \$586 seems right.

Q. And this was for work done, when?

A. Well, it would have to be in the month of April, I suppose.

Q. April of what year?

A. 2011.

Q. And did you discuss the work reflected in this invoice?

A. Actually, it says March; so, it may be from March.

1 *Ronald Britt*

01:52:51 2 Q. Did you discuss -- March of 2011; is
01:52:54 3 that right?

01:52:54 4 A. Yeah. But this invoice -- this
01:52:59 5 particular invoice is dated April. That means I
01:53:02 6 probably had to submit it more than once to get
01:53:06 7 paid.

01:53:06 8 Q. Well, it's dated -- the invoice seems
01:53:08 9 to be for work done on March 29th; is that
01:53:12 10 correct?

01:53:12 11 A. I could double check that for you and
01:53:14 12 let you know tomorrow.

01:53:15 13 Q. Now, did you discuss the work
01:53:18 14 reflected by this invoice with Jay Yablonsky
01:53:22 15 prior to doing the work?

01:53:23 16 A. As I said, after Doreen stiffed me
01:53:27 17 for \$3,000 on one job, she emailed me, very
01:53:33 18 curtly, that in the future no work would be done
19 without Jay's approval.

20 MS. GOULD: Move to strike as
01:53:35 21 nonresponsive.

01:53:35 22 Q. Did you discuss the work reflected on
01:53:38 23 Page 3 of Exhibit 8 with Mr. Yablonsky prior to
01:53:42 24 actually doing the work?

01:53:44 25 A. I believe I would have had to.

1

Ronald Britt

01:53:46

2

Q. And did you give him a range that the

01:53:50

3

work would be billed at?

01:53:52

4

A. You know, on "print the laminate

01:53:56

5

signs," maybe not, because I wouldn't know what

01:53:59

6

that would cost until I did it.

01:54:03

7

And then, "Reimbursement of

01:54:04

8

computer-related expenses and office supplies,"

01:54:06

9

that, I probably just handed him receipts.

01:54:09

10

Q. Now, what about the labor, which you

01:54:14

11

say here, "Total labor amount due: \$310."

01:54:16

12

What was that based on?

01:54:18

13

A. Based on the time it took to get it

01:54:20

14

done.

01:54:20

15

Q. And how much time was that?

01:54:22

16

A. Well, I would say in the neighborhood

01:54:25

17

of ten hours, probably more.

01:54:27

18

Q. And what's the basis of that

01:54:29

19

statement?

01:54:30

20

A. Because I'm looking at \$80 repair for

01:54:34

21

the damage of the herb shop, and I remember it

01:54:36

22

taking a long time to get that right. There was

01:54:39

23

two holes in the wall. And when we went to close

01:54:43

24

it up the first time, the leak came back; so, we

01:54:47

25

had to open it up and reclose it.

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Ronald Britt

Q. Mr. Britt, isn't it true, though, that on Page 3 of Exhibit 8, which is this invoice for work apparently done on March 29th, 2011, you don't list the number of hours that the job took you?

A. No, I don't.

Q. So, how did you arrive at the figure of \$310 for the total amount --

MR. KOERNER: Objection.

Q. -- due for labor?

MR. KOERNER: Objection as asked and answered.

MS. GOULD: I don't think so.

MR. KOERNER: All of these were based on your own reasonable --

MS. GOULD: Is that your testimony, or the witness'?

MR. KOERNER: That's what he said.

THE WITNESS: Ma'am, just to walk to Division Street takes about 40 minutes if you take a leisurely pace. If you walk really fast, which I have done it a couple of times, it's more like 25, 28 minutes.

Q. Sir, what I'm really looking at is

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Ronald Britt

the \$310 number, and I'm asking you if that reflects some number of hours that this job took you.

MR. KOERNER: Objection.

A. It does. But as I said, I didn't always charge him the full amount.

Q. So, you don't know how long this job took you; is that correct?

A. No, ma'am. But I can tell you, based on my experience, that that looks like reasonable numbers.

MR. KOERNER: You're asking him -- you're asking him -- objection. You're asking him to tell a one-line item in an invoice containing dozens --

MS. GOULD: No, I'm not, a one-line item. It's the total -- it's the total labor amount due on a particular invoice, that's what I'm asking him.

MR. KOERNER: Of an invoice that was submitted many --

THE WITNESS: But I would say --

MR. KOERNER: -- many years ago, and you're asking him how much money he

Ronald Britt

spent, how much time he spent on it.

THE WITNESS: I would say --

MR. ETTINGER: Hold on. Hold on.

You can't speak over each other, because
the court reporter --

MR. KOERNER: It's not productive.

MR. ETTINGER: -- can't take it
down.

MR. KOERNER: It's not what this
case is about.

THE WITNESS: I would say that this
line, \$25 to respond to a roof alarm and
install a No-One-Allowed-on-the-Roof sign,
25 bucks, that is no way reflecting how
long it took.

Q. And were you paid this \$586?

A. Probably.

Q. And looking at Page 12 of Exhibit 7,
does this -- this is a pay stub; is that correct?

A. Yes. It shows \$586.

Q. Right. And this is a check that was
dated April 29th, 2011; is that correct?

(Witness peruses exhibit)

A. Yes.

Ronald Britt

Q. And looking at Page 11 of Exhibit 7, this is another check dated April 29th, 2011; is that correct?

A. Yes.

Q. And this is a check for \$350, your regular, weekly pay; is that correct?

A. Yes.

Q. During what hours did you perform the services that are reflected on Page 3 of Exhibit 8?

A. You're asking Doreen, or you're asking me?

Q. You.

MR. ETTINGER: She said "during."
Not "Doreen."

THE WITNESS: Oh.

MR. KOERNER: Objection; asked and answered.

But you can...

A. I couldn't be sure, but I'm sure it's within the time of the invoice.

Q. Well, what I'm asking you is: Did you perform the work that's reflected on Page 3 of Exhibit 8 --

1 *Ronald Britt*

01:57:53 2 A. It would be hard --

01:57:53 3 Q. Let me just finish.

01:57:54 4 -- when you were also performing your
01:57:57 5 duties as superintendant/janitor of the Thermal
01:58:00 6 buildings?

01:58:01 7 MR. KOERNER: Objection. He's
01:58:03 8 testified that he was on call 24/7. So,
01:58:06 9 by definition, any work he did at any time --

01:58:06 10 MS. GOULD: No, you are --

11 MR. KOERNER: -- was performed
12 while he was working for Thermal.

13 MS. GOULD: You are -- please,
01:58:08 14 Mr. Koerner, cut the speaking objections.

15 MR. KOERNER: So...

16 Q. Go ahead.

01:58:10 17 A. Didn't we already talk about this?
01:58:12 18 But I can tell you this --

01:58:14 19 Q. Just answer yes or no, sir.

01:58:15 20 A. -- the \$25 -- I can tell you that the
01:58:17 21 \$25, respond to a roof alarm and install a
01:58:21 22 No-One-on-the-Roof sign, that was at night. And
01:58:22 23 most painting out the graffiti, I do at night,
01:58:27 24 because it's just easier, and people don't have
01:58:30 25 to smell it. I've been down there as late as

Ronald Britt

1 o'clock in the morning, painting out graffiti at Division Street, and had cops come up to me and had to prove I was super to be allowed to do it.

Q. Sir, did you perform any of this extra work during the time for which you were also paid to be superintendant or janitor of the Thermal buildings?

A. I would say, yes. But it's \$350 and an apartment for 24/7. That's a slave's wage, ma'am.

And I would also point out --

MS. GOULD: Move to strike.

There's no question pending.

A. Well, earlier you said --

MS. GOULD: Move to strike.

There's no question pending.

MR. KOERNER: You can move it.

But, go ahead and finish.

A. He said that, did Doreen approve all of these? And you can see that it says, "Please have these checks ready so when we meet with Doreen, she will be -- you'll have them for her to sign." It's right on the invoice.

1 **Ronald Britt**

02:00:01 2 Q. Taking a look at Page 4 of Exhibit 8.

3 *(Witness peruses exhibit)*

02:00:16 4 Do you recognize that exhibit?

02:00:17 5 A. It's an invoice.

02:00:19 6 Q. And what is it an invoice for?

02:00:22 7 A. Labor and materials, I suppose.

02:00:26 8 Q. And do you recall what the job or

02:00:30 9 jobs were that you did and -- for what you

02:00:33 10 submitted this invoice?

02:00:34 11 A. Well, they're all labeled.

02:00:37 12 Q. Okay. And did you discuss the work
02:00:45 13 that you were going to do for which you submitted
02:00:50 14 this invoice, with Jay Yablonsky prior to the
02:00:54 15 time that you actually did the work?

02:00:55 16 A. Yeah; that is the policy.

02:00:56 17 Q. And did you give him a range of what
02:00:58 18 you were going to charge for this work?

02:01:01 19 A. I generally did, yes.

02:01:04 20 Q. And you ended up charging him --
02:01:07 21 charging \$1,760 total for labor; is that correct?

02:01:11 22 A. That's what the invoice reflects,
02:01:13 23 yes.

02:01:13 24 Q. What was the basis of that charge?

02:01:13 25 A. How much time it took. And in some

Ronald Britt

cases, who was helping me.

Q. And were you paid the \$1,760 for labor?

A. Yes, I was.

Q. And did you ever indicate, in any way, how many hours you spent performing this work?

A. No, I did not.

Q. And did Mr. Yablonsky ever ask you how many hours you spent performing this work?

A. No, he did not.

Q. So, was your arrangement with Mr. Yablonsky that you would submit an invoice; and if he had approved the work in advance, he would pay that invoice, irrespective of the number of hours that you spent; is that correct?

A. I would submit a range. And if he thought it was reasonable, he would have me do the work. If he didn't, he'd get someone else. And what, actually, I billed is reflective of the hours. So, it may be --

Q. How many hours did it take you to do the job that's billed on May 4th?

A. Ma'am, if I may, it also mentions

1

Ronald Britt

02:02:13

2

Marvin doing a little bit of work there and a

02:02:16

3

check being cut directly to Marvin. But before

02:02:20

4

Marvin started getting paid directly by

02:02:23

5

wavecrest, he used to help me a lot, and I would

02:02:24

6

have to pay him out of my pocket, too. Bill

02:02:28

7

that -- a much lower amount, maybe 20 bucks an

02:02:32

8

hour, to help carry out stuff. And in this case,

02:02:35

9

there was a lot of demolition. So, some of that

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money may well have gone to carting.

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11

Q. But you don't know that, do you?

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12

A. I don't break it out like that, no,

02:02:42

13

ma'am. I give them what I consider reasonable

02:02:44

14

numbers. And I'm sure that if you run any of

02:02:46

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these numbers by any reputable handy-guy

02:02:50

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contractor, you'll find that they're in keeping

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with what's reasonable.

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Q. Well, what I'm asking you and trying

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to get at is, how you came to the numbers you

02:02:56

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came to when you submitted the invoice?

02:02:59

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A. Hours, and materials, and whatever

02:03:01

22

out-of -- out-of-pocket other expenses there are.

02:03:05

23

Sometimes there's a cab involved. Sometimes

02:03:08

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there's a metal guy coming by. Sometimes I have

02:03:13

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helpers show up.

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Ronald Britt

Q. And were you paid the \$1,760?

A. Yes, I was.

Q. During what hours did you perform the work that's reflected in the invoice which appears on Page 4 of Exhibit 8?

A. Well, "Clear out and paint basements," that would have had to happen on the weekend.

Q. Why is that?

A. Because that's what we agreed on, as I recall.

Q. And what about the other work?

A. And I do recall doing that on the weekend.

Q. And what about the other work?

A. "Painting out graffiti," that would happen after hours. "Make and mount signs," probably drop that off walking from one place to another, and picking it up on the way back.

Q. Did any of this work reflected on Page 4 of Exhibit 8, occur between 9:00 and 5:00 during the day?

A. You know, dropping off those signs might have, because I would expect the copy shop

1 *Ronald Britt*

02:04:04 2 to be open regular hours.

02:04:06 3 Q. And were you paid during this period
02:04:08 4 your regular weekly compensation of \$350?

02:04:16 5 A. Yes, ma'am.

6 *(Off-the-record discussion between*
02:05:00 7 *the witness and Mr. Koerner)*

02:05:00 8 MS. GOULD: I thought your lawsuit
02:05:02 9 related to overtime.

02:05:03 10 MR. KOERNER: What's that?

11 MS. GOULD: Doesn't your lawsuit
12 relate to overtime?

13 MR. KOERNER: Yes; and I said,
02:05:06 14 specifically, that's a much smaller branch
02:05:08 15 of our claim than the sexual harassment.

16 MS. GOULD: Oh, I see.

17 MR. KOERNER: As you know.

18 MS. GOULD: Well, I don't know
02:05:12 19 anything. I only know what I see in your
02:05:14 20 complaint.

02:05:15 21 Q. Looking at Page 6 of Exhibit 8 -- I'm
02:05:27 22 sorry. Looking at Page 5 of Exhibit 8, can you
02:05:32 23 identify what this exhibit represents?

02:05:35 24 A. Yes.

02:05:38 25 Q. And what is it?

Ronald Britt

A. This was removing violation and health hazards in the storefront at Division Street.

Q. And did you discuss this work with Mr. Yablonsky before you performed it?

A. I did, on the site.

Q. And when you say "on the site," you mean he was at the site at that time?

A. We went together and looked at it before I began the work.

Q. And did you give him a range at that time, as well?

A. I think I gave him a definite price.

Q. And how did you go about giving him a definite price?

A. I looked at the amount of work. I probably made a list and told him what it was gonna be.

Q. And why on this occasion did you give a definite price, whereas on other occasions you gave what you say was a range?

A. Because I think they don't pay a lot of money down there, and he liked to keep things as cheap as possible.

Ronald Britt

Q. And so, you gave a price of \$2,180 for labor; is that correct?

A. I think, probably, yeah.

Q. And what was the basis of that price?

A. Estimating how long it would take and the materials.

Q. And in terms of how long it would take, did you estimate how many hours this job would take?

A. I did.

Q. And what did you estimate?

A. I don't recall at this time.

Q. So, what was the \$2,180 in labor based on?

MR. KOERNER: Objection; asked and answered.

A. My time, and the people that helped me.

Q. But you don't know how much time you spent; is that correct?

MR. KOERNER: Objection.

A. I would say that it was based on the range I quoted, and the time I spent.

Q. And how much time was that?

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Ronald Britt

A. Well, I would have to look to see if I have any records there, but I do remember a couple people helping me with that.

Q. Well, if you --

A. So, that would be an expense out of my own pocket, as well.

Q. If you have any records, what would those records be?

A. I'll just look and see.

Q. Well, can you identify the kind of record it would be?

A. Well, in this particular case, I would call up the two people that helped me and ask them how much they made on it, and then I would know how many hours they spent and how many hours I spent.

But I can tell you that for the work we did, that was a heck of a good price.

Q. That was a price that you agreed to with Mr. Yablonsky; is that right?

A. Yes, it was. And as I recall, as we got into it, there were a lot of elements that were unforeseen, which we just absorbed.

Q. Now, were you also doing -- when did

Ronald Britt

you do this work that's reflected on Page 5?

A. I think it was over one weekend.

Q. How do you know that?

A. Because Jay was very -- insisted that these outside jobs never interfere with my regular work schedule. And if ever there was something pending for Wavecrest, it was always before anybody else got any help from me.

Q. But this was work done for Wavecrest; isn't that true?

A. Yes, it was. But there was -- but this would be secondary to anything else of keeping the buildings up. And this, although, urgent, was not an emergency. There were children in this place, and it tested positive for lead. And we had to take a lot of precautions, as lined out in the lead renovators handbook - a procedure that's required by law, which she has not always stuck to.

MS. GOULD: Move to strike as nonresponsive.

Q. Now, do you know whether you actually got paid 2,100 and --

MS. GOULD: Well, let's mark this.